

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2015100117
v.	
CAMBRIAN SCHOOL DISTRICT,	
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CAMBRIAN SCHOOL DISTRICT,	OAH Case No. 2015060994
v.	
PARENT ON BEHALF OF STUDENT.	ORDER GRANTING MOTION TO CONSOLIDATE
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On June 19, 2015, Cambrian School District, filed a request for due process hearing in OAH case number 2015060994 (First Case), naming Student.¹ On September 4, 2015, OAH granted an order allowing Cambrian to amend the complaint.

On September 18, 2015, Student filed a complaint in OAH case number 2015100117 (Second Case), naming Cambrian.

On October 13, 2015, the parties filed a request and stipulation agreeing to consolidation of the first case with the second case.

APPLICABLE LAW

Although no statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases, OAH will generally consolidate matters that involve: a common question of law and/or fact; the same parties; and when consolidation of the matters furthers the interests of judicial economy by saving time or preventing inconsistent rulings. (See Gov. Code, § 11507.3, subd. (a) [administrative proceedings may be consolidated if they involve a common question of law or fact]; Code of Civ. Proc., § 1048, subd. (a) [same applies to civil cases].)

¹ Student filed his own case in June, 2015, OAH Case No. 2015061227, which was consolidated with the First Case on June 30, 2015, but Student dismissed that case on September 17, 2015.

Here, the First Case and Second Case involve a common question of law or fact, specifically, whether Cambrian's individualized education program offer for the 2015-1016 school year will meet Student's unique needs and provide him with educational benefit. Although Student's complaint also challenges the IEP's for prior school years, it furthers the interests of judicial economy to consolidate these matters because at least one of the issues to be adjudicated is the same in both complaints. Accordingly, consolidation is granted.

ORDER

1. The parties' joint request for consolidation is granted. All dates previously set in OAH Case Number 2015060994 (First Case) are vacated.
2. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of the complaint in OAH Case Number 2015100117 (Second Case). This will be the primary case.
3. Previously scheduled dates in OAH case number 2015100117 are confirmed. Mediation shall occur on October 27, 2015, at 9:30 a.m.; prehearing conference shall occur on November 2, 2015, at 3:00 p.m.; and the due process hearing shall begin on November 12, 2015 at 9:30 a.m., continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

DATE: October 19, 2015

/s/

REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings